

**FIFTY-SIXTH DAY**  
(Monday, April 16, 1973)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Schwartz, Sherman, Snelson, Tracer, Wallace and Wolff.

Absent-excused: Blanchard, Creighton and Santiesteban.

A quorum was announced present.

Reverend Sidney J. Pastor, Holy Rosary Catholic Church, Rosenberg, Texas, offered the invocation as follows:

O God of mercy and justice; O God of peace and might; O God of light and love; we ask of You to share with us Your omnipotent wisdom as we direct our hearts, minds, and wills to the complex task of constructing laws that will be just and fair to all, that will promote service rather than restrict, that will safeguard rather than deny one's inalienable rights.

Inspire these Lawmakers, O Lord, to revere justice above the law and keep us mindful that laws were made for man, and not man for laws.

And as we are aware of the thought of the Father of Education in Texas, Mirabeau Lamar, that freedom can only be maintained by the educated mind, we pray therefore for these legislators to have the wisdom to educate as they legislate.

Have us recognize that You are the Supreme Lawmaker and that man's laws contrary to Your will cannot advance the welfare of mankind, but hinder it.

We ask today for Your blessing upon this assembly and the work being done here. May its accomplishments serve to ennoble our society in our noble state.

O God, grant to all of our leaders, the courage to stand for the highest ideals in their awesome task of operating our government. For only with Your help can mankind develop, maintain and promote equal justice for all people in our state, in our nation, and even on the whole of our spaceship earth. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 13, 1973, was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Wallace.

Senator Blanchard was granted leave of absence for today on account of illness on motion of Senator Hightower.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Harris.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H.B. 265  
H.B. 449  
H.B. 461

H.C.R. 45  
H.C.R. 61

### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, April 16, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 90, In memory of E. O. "Doc" Hayes and Kathleen Hayes.

H.B. 311, A bill to be entitled An Act stating the powers and authority of the Railroad Commission of Texas relating to unitization; for conservation of oil and gas and protection of correlative rights; defining of terms; providing for an application and its contents for approval of a plan of unitization; the matters to be found by the commission and the nature of its orders; permissive provisions in plan of unitization and provisions not to be considered fair and reasonable; approval of plan of unitization by working interest owners and royalty interest owners and effective date of commission order; procedure and notice; appeals; liability for unit expense and liens to secure payments to and by unit operator and by working interest owners to royalty interest owners; the effect of unitized operations upon property rights; leases, contracts and title to property, allocation and distribution of unit production, delivery and separate sale of unit production, sale of unit production not taken in kind, title disputes, no effect upon lease obligations and applicability to lands of the State of Texas and its political subdivisions; enlargement of unit area and creation of new units; amendment of plan of unitization and commission orders and the continuing power of the commission to review and approve unitized operations covering a unit area previously established; severability of provisions; a provision that agreements are not in restraint of trade; Act supplemental to other laws relating to unitization; and declaring an emergency.

H.B. 333, A bill to be entitled An Act relating to water quality control plans for navigation districts and port authorities; providing for employment of water quality control inspectors; requiring navigation districts and port authorities to furnish waste receipt facilities unless waiver is granted; authorizing financing for waste disposal facilities and waste control programs of navigation districts and port authorities; adding Subchapter 21, Water Code; and declaring an emergency.

H.B. 403, A bill to be entitled An Act relating to the transfer of certain persons convicted of a felony to the Texas Department of Corrections pending appeal of their convictions; amending Article 42.03, as amended, and Article 42.09, Code of Criminal Procedure, 1965; and declaring an emergency.

S.B. 239, A bill to be entitled An Act relating to authorizing all incorporated cities and towns having a population of 6,000 or more to issue certain bonds and to impose certain hotel occupancy taxes for the construction of certain civic center buildings and other specified capital assets; amending Section 1, Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 483, A bill to be entitled An Act relating to the creation,

establishment, administration, maintenance, operation and financing of the Lockney General Hospital District of Floyd County, Texas, under Article IX, Section 9, of the Texas Constitution; and declaring an emergency. (With Amendment)

H.C.R. 143, In memory of Robert M. Wagstaff.

H.B. 79, A bill to be entitled An Act relating to modifying the insurance coverage requirements of the Texas Motor Vehicle Safety-Responsibility Act; amending Sections 1 and 15, Subsection (c) of Section 5, and Subsection (b) of Section 21, Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 637, A bill to be entitled An Act relating to authorizing the Parks and Wildlife Commission to commission as peace officers certain qualified persons to enforce game and fish laws; and declaring an emergency.

H.B. 299, A bill to be entitled An Act relating to the use of headlamps with respect to motorcycles and motor-driven cycles; adding Subdivision 3 to Subsection (a), Section 139F, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 770, A bill to be entitled An Act authorizing the creation of Athletic Stadium Authorities by Boards of Trustees of any two independent school districts; providing an authority shall be governed by a board of directors consisting of seven members; providing for the selection of officers; providing that the authority shall have the power to construct, enlarge, furnish, and equip stadia, purchase existing stadia, furnishings and equipment, and operate and maintain stadia; authorizing the issuance of revenue bonds; qualifying such bonds for public investment and security of public funds; providing for junior lien bonds; authorizing contracts between an authority and school districts in support of bonds issued by the authority; providing for pledging maintenance taxes in support of contracts if the question of pledging a maintenance tax is approved at an election; providing for the approval of bonds by the attorney general and the registering of bonds by the comptroller of public accounts; authorizing an authority to select depositories; providing for tax exemption of authority's facilities making other provisions in the premises; adding Section 20.51 to Chapter 20, Texas Education Code; providing for severability; and declaring an emergency.

H.B. 1232, A bill to be entitled An Act validating the incorporation, boundary lines, and governmental proceedings of certain towns; providing exceptions to the applicability of the Act; and declaring an emergency.

H.B. 1230, A bill to be entitled An Act validating the adoption of charter, elections, and governmental proceedings of home-rule cities in the State of Texas; and declaring an emergency.

H.B. 1231, A bill to be entitled An Act validating the incorporation, areas and boundary lines, and governmental proceedings and acts of cities and towns of 1,000 inhabitants or less; and declaring an emergency.

H.B. 805, A bill to be entitled An Act relating to prohibiting the sale of antlerless deer, antelope, or elk permits; amending Section 6, Uniform Wildlife Regulatory Act (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

H.B. 715, A bill to be entitled An Act relating to the per diem for the board of directors of the Plum Creek Conservation District; amending Section 4,

Chapter 126, Acts of the 55th Legislature, Regular Session, 1957 (Article 8280-194, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1082, A bill to be entitled An Act changing the name of the Texas Vending Commission; amending Chapter 587, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(41), Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 777, A bill to be entitled An Act relating to consolidated bond and other similar obligations issued under the United States Farm Credit Act of 1971, and as later amended; amending Article 842, Revised Civil Statutes of Texas, 1925, and Section 1, Chapter 160, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 842a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 552, A bill to be entitled An Act amending Acts 1954, 53rd Legislature, First Called Session, Chapter 35, being the Act creating Greenbelt Municipal and Industrial Water Authority, by deleting the City of Memphis from the Authority and including within the boundaries of the Authority all territory annexed to the Cities of Childress, Clarendon, Crowell, Hedley and Quanah since their initial inclusion within the Authority; providing methods for the annexation of territory to the Authority; authorizing the Authority to acquire and operate retail water distribution systems and any and all property of any kind, real, personal or mixed, within or without the boundaries of the Authority; authorizing the Authority to issue its bonds to mature within fifty years from their date and to sell said bonds at a price and under terms determined by the Board of Directors to be the most advantageous reasonably obtainable; authorizing the Authority to employ and constitute its own law enforcement officers with power to make arrests when necessary; enacting other provisions relating to the subject; providing a severability clause finding and declaring that the requirements of Article XVI, Section 59(d) of the Constitution of Texas have been performed and accomplished; and declaring an emergency.

H.B. 771, A bill to be entitled An Act relating to certain requirements for licensing as an instructor in cosmetology; amending Subsection (b), Section 16, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 734c, Vernon's Texas Penal Code); and declaring an emergency.

H.B. 730, A bill to be entitled An Act relating to the use of funds received from admission fees and concessions at certain state property; amending Section 1, Chapter 412, Acts of the 54th Legislature, 1955 (Article 5438d, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 736, A bill to be entitled An Act relating to tuition and other fees and charges for nonresident military personnel; amending Subsection (d), Section 54.058, Texas Education Code; and declaring an emergency.

H.B. 372, A bill to be entitled An Act relating to the licensure of private investigators and private security agencies; amending Section 2, Chapter 610, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1558, A bill to be entitled An Act relating to change of the statutes and regulations relating to the calling of Road and Bridge Bond Elections, amending Acts of the 61st Legislature as amended (Article 752B, Vernon's Civil Texas Statutes); and declaring an emergency.

H.B. 1420, A bill to be entitled An Act relating to abolishing the office of County Superintendent of Schools and County Board of School Trustees in

Lubbock County, Texas, and declaring an emergency.

H.B. 915, A bill to be entitled An Act, relating to the establishment of a petty cash fund for the sheriff's department in certain counties; and declaring an emergency.

H.B. 1107, A bill to be entitled An Act relating to the creation, administration, powers, duties, and financing of the Starr County Hospital District of Starr County, Texas, by authority of Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

H.B. 1361, A bill to be entitled An Act relating to creation of the Gregg County Juvenile Board and the compensation of its members; and declaring an emergency.

H.B. 1481, A bill to be entitled An Act amending the Harris County Road Law, Acts 1913, Thirty-third Legislature, Special Laws, Chapter 17, page 64, as amended, by amending Section 31-C of said Harris County Road Law, which said Section 31-C was added by Acts, 1947, Fiftieth Legislature, Chapter 205, page 358, amended by Acts, 1953, Fifty-third Legislature, Chapter 385, page 924, Acts, 1959, Fifty-sixth Legislature, Chapter 68, page 120, and Acts 1963, Fifty-eighth Legislature, Chapter 369, page 940; providing a severability clause; and declaring an emergency.

H.B. 1158, A bill to be entitled An Act authorizing the commissioners court of a county to adopt a county manager plan of government; and declaring an emergency.

H.B. 1578, A bill to be entitled An Act authorizing the board of regents of Lamar University to convey a certain tract of land to the City of Port Arthur, Texas, in exchange for a certain tract of land owned by the City of Port Arthur; and declaring an emergency.

H.B. 1358, A bill to be entitled An Act relating to the abolition of the county school superintendent and the board of school trustees in Terry County; and declaring an emergency.

H.B. 1137, A bill to be entitled An Act relating to the appointment and compensation of bailiffs for certain District Courts; and declaring an emergency.

H.B. 1070, A bill to be entitled An Act relating to the office of bailiff of the 196th District Court; and declaring an emergency.

H.B. 1135, A bill to be entitled An Act relating to the supplemental compensation of district judges in Bexar County; amending Section 1, Chapter 165, Acts of the 58th Legislature, 1963, as amended (Article 6819a-19c, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

#### SENATE RESOLUTION 571

Senator Brooks offered the following resolution:

WHEREAS, On April 21, 1973, the State of Texas and all Texans everywhere will again pause to celebrate one of the most revered moments in Texas history, the Battle of San Jacinto; and

WHEREAS, The Honorable Sam Houston, general of the Army of the Republic of Texas, and his valiant band of Texians, joined by enthusiastic volunteers from Ohio, Kentucky, Tennessee, Louisiana, and other areas of the United States and Mexico, won a decisive victory on April 21, 1836, over the numerically superior forces of General Santa Anna in just 18 minutes; this victory added another brilliant page in the history of man's efforts to gain and maintain individual and collective freedom; and

WHEREAS, It is imperative that all due respect and honor be paid to the heroes of San Jacinto and the magnificent manner in which they quickly routed the Mexican forces who threatened the very foundations of this great state; now, therefore, be it

RESOLVED by the Senate of the 63rd Legislature, That from this day forth it shall be considered a severe breach of historic courtesy for any speaker to hold the platform at San Jacinto at an event commemorating that battle for a period longer than the time the Texians took to win the Battle of San Jacinto itself; and, be it further

RESOLVED, That all introductions of speakers at such events at San Jacinto Battleground shall last no longer than the time it took for one volley to be fired from the Twin Sisters, the valuable gifts of the citizens of Cincinnati, Ohio, such time being approximately 120 seconds; and, be it further

RESOLVED, That an official copy of this Resolution be forwarded to the members of the San Jacinto Historical Advisory Committee as an expression of the intent of the Texas Senate that no person shall be allowed to be disrespectful to the history of Texas by holding the speaker's platform at San Jacinto for a period longer than it took the courageous men of Texas to secure the land upon which that platform stands.

The resolution was read and was adopted.

#### RECORD OF VOTE

Senator Mengden asked to be recorded as voting "Nay" on the adoption of the resolution.

#### MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and referred to the Committee indicated:

Austin, Texas  
April 13, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Commission for Indian Affairs: For a six-year term to expire January 31, 1979: Mr. Dempsie Henley of Liberty, Liberty County for reappointment.

Respectfully submitted,  
DOLPH BRISCOE  
Governor of Texas

To Committee on State Affairs, Sub-Committee on Nominations.

Austin, Texas  
April 13, 1973

**TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Board of Regents of West Texas State University: For a six-year term to expire August 31, 1975: Mr. Wayne Owen of Lubbock, Lubbock County, to replace Mr. Thomas Boone Pickens of Amarillo, Potter County, who resigned.

Respectfully submitted,  
**DOLPH BRISCOE**  
Governor of Texas

To Committee on Education.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and filed with the Secretary of the Senate:

Austin, Texas  
April 13, 1973

**TO THE MEMBERS OF THE SENATE, SIXTY-THIRD LEGISLATURE, REGULAR SESSION, STATE OF TEXAS:**

Pursuant to the provisions of Article IV, Section 14 of the Constitution of the State of Texas, I herewith return to you S.B. 130 unsigned for the following reasons:

For the past 100 years the police officers of the railroad companies have protected their owner's property in an exemplary manner, and during recent years, these officers have rendered valued assistance to the commissioned peace officers of the state, many times without request from the peace officers, and on the railroad police's own initiative. The citizens of Texas have every reason to be grateful to the railroad police for their excellent work.

Now, because of an increase in cargo theft and other crimes committed against the railroads and their consigned property, the railroads have sought to obtain the designation of "peace officers" for their railroad policemen. It may well be that the increase in crimes against common carriers justifies additional protection to them and their cargo, and a conference on the subject of cargo theft will be held here in the near future to evaluate the extent of that problem and to recommend solutions.

The peace power, however, is inherent in the state and its various political subdivisions and agencies and this power ought not to be delegated to the control of private industry no matter how great the need. Instead, if the need is great, it is incumbent upon the Legislature and other public bodies to provide the necessary public forces to protect private industry and the people. This has been our Texas tradition in the past. Surely, a force trained by, and under the control of, the Department of Public Safety can be created to fulfill this need, always again, as a "public" function.

Under this bill, for the first time citizens of Texas would be subject to arrest by peace officers who were responsible to a private corporation. In addition, the bill itself does not limit the number of such "private" peace officers, but leaves this to the discretion of the management of the various corporations.

Further, this bill would set a precedent for commissioning "private" rather than "public" peace officers. In all probability future legislatures would be

called on to increase the number and types of corporations that could maintain "private" peace officers with the power of arrest. In these difficult times the number of legitimate, responsible business corporations who could show themselves equally entitled to this type of protection are numerous. I do not believe that we can depart from the concept of peace officers as public officials protecting the public.

For these reasons, I have exercised my constitutional right to disapprove of this legislation; accordingly, I am returning Senate Bill 130 to the Senate, unsigned.

DOLPH BRISCOE  
Governor of Texas

### SENATE BILL 483 WITH HOUSE AMENDMENT

Senator Hightower called S.B. 483 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

### COMMITTEE AMENDMENT NO. 1

Amend S.B. 483, engrossed copy, on page 9, lines 5 through 7 by striking "who own taxable property therein and who have duly rendered the same for taxation voting at an election called for such purpose".

The House amendment was read.

Senator Hightower moved to concur in the House amendment to the bill.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard, Creighton and Santiesteban.

### REPORTS OF STANDING COMMITTEE

Senator Harrington, Vice-Chairman, submitted the following reports for the Committee on Economic Development:

C.S.S.B. 202 (Read first time)

S.B. 532

C.S.S.B. 781 (Read first time)

C.S.S.B. 782 (Read first time)

S.B. 298 (Amended)

C.S.S.B. 815 (Read first time)

### BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.B. 67

S.B. 193

S.B. 195

S.C.R. 71

S.C.R. 82



**SENATE BILLS ON FIRST READING**

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

By Senator Creighton:

S.B. 917, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as the "Wise County Utility Authority", notwithstanding the provisions of general laws concerning the consent of municipalities to the creation of conservation and reclamation districts; defining terms; finding a benefit to all property within the Authority; finding and declaring that the requirements of Article XVI, Section 59(d), Constitution of Texas, have been performed and accomplished; declaring the Authority to be a governmental agency, body politic and corporate; defining the boundaries of the Authority; providing for the qualifications of directors and the filling of vacancies; providing for the terms and selection of directors; conferring on the Authority the rights, powers, authority, privileges, duties, and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act and adopting the same by reference; providing for a method of levying, assessing and collecting taxes for the Authority; establishing procedures by which the Authority shall create Service Districts, hold the elections within Service Districts, incur indebtedness and execute contracts on behalf of Service Districts, and construct improvements on behalf of Service Districts; authorizing the Authority to levy taxes within Service Districts and to incur indebtedness on behalf of Service Districts; vesting rights in certain persons within the Authority to secure the creation of a Service District, to require an election to be held within the Service District to authorize the levy of taxes against the property within the Service District for certain purposes, to secure the sale and issuance by the Authority of bonds on behalf of said Service District, and to require the Authority to enter into and perform contracts on behalf of said Service District; providing for remedies to the holders of bonds issued by the Authority on behalf of a Service District; providing for remedies to persons vested with certain rights with respect to a Service District; providing a method for appointment of lawyers, engineers, and fiscal advisors of the Authority on behalf of a Service District; authorizing the reimbursement by the Authority of advances made on behalf of the Authority or the Service District; enacting other provisions relating to the above-mentioned subjects; providing a severability clause; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Mauzy:

S.B. 918, A bill to be entitled An Act relating to the distribution of proceeds from the sale of property in a suit for delinquent taxes; amending Sec. 8 of Chapter 506, Acts of the 45th Legislature, Regular Session, 1937, as amended, (Section 8 of Article 7345b, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Andujar:

S.B. 919, A bill to be entitled An Act relating to the use of dealer's license plates and tags in certain circumstances; amending Subsection (6), Section (a), Article 6686, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Harris:

S.B. 920, A bill to be entitled An Act relating to the liability of a limited partner under the Texas Uniform Limited Partnership Act; amending Section 8, Chapter 133, Acts of the 54th Legislature, Regular Session, 1955, as amended (Section 8, Article 6132a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Schwartz:

S.B. 921, A bill to be entitled An Act relating to the use and installation of space heaters in certain buildings; providing a penalty; and declaring an emergency.

To Committee on State Affairs.

By Senator Moore:

S.B. 922, A bill to be entitled An Act relating to the creation of the Court of Domestic Relations of Wharton County; and declaring an emergency.

To Committee on State Affairs.

By Senator Clower:

S.B. 923, A bill to be entitled An Act amending Chapter 210, page 1042, Acts of the 62nd Legislature, 1971, (Article 3886K, Vernon's Texas Civil Statutes), relating to the compensation to Criminal District Attorneys and District Attorneys in certain counties; prohibiting their engaging in the private practice of law; and declaring an emergency.

To Committee on Intergovernmental Relations.

### JOINT SESSION

(To hear address of United States Senator Lloyd Bentsen)

The President announced the time had arrived to hear an address by The Honorable Lloyd Bentsen, pursuant to the provisions of S.C.R. 80.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:30 o'clock a.m. to hear the address of The Honorable Lloyd Bentsen, United States Senator, pursuant to the provisions of S.C.R. 80.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President, on invitation of the Speaker, occupied a seat on the Speaker's Rostrum.

Senator Bentsen was escorted to the Speaker's Rostrum by Senators Ogg, Sherman, Jones, McKnight, Braecklein, Longoria and Wolff on the part of the Senate, and Representatives Poerner, Howard, Blake, Powers, Hubenak, Heatly, Harris, Cobb, Ragsdale, Whitmire and Johnson on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Price Daniel, Jr., Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

The Speaker of the House then presented The Honorable Lloyd Bentsen, United States Senator from Texas, who addressed the Joint Session.

The Speaker of the House then presented The Honorable Dolph Briscoe, Governor of Texas, who addressed the Joint Session.

The President announced at the conclusion of the Joint Session that the purpose of the Joint Session having been concluded, the Senate at 11:53 o'clock a.m. would retire to its Chamber.

### IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 12:07 o'clock p.m. today.

### BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read the following enrolled bill and resolution:

H.B. 361  
H.C.R. 139

### COMMITTEE SUBSTITUTE SENATE BILL 75 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 75 (the bill having been read second time and amended on Friday, April 13, 1973).

Question, Shall the bill as amended be passed to engrossment?

The bill as amended was passed to engrossment.

### RECORD OF VOTE

Senator Aikin asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

### SENATE BILL 376 ON SECOND READING

On motion of Senator Wallace and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 376, A bill to be entitled An Act relating to multi-peril policies of insurance; etc.; and declaring an emergency.

The bill was read second time.

Senator Wallace offered the following amendment to the bill:

Amend Section 1 of S.B. 376 by deleting the first sentence of the second paragraph of Art. 5.81, Subchapter J, and substituting in lieu thereof the following:

"To provide for multi-peril policies and in order to preserve normal and accepted rating procedures, included as necessary level rating methods, and to provide mathematical consistency in rate making, any deductible provision and any rate or premium reduction shall be made as may be appropriate after first arriving at a base rate or premium without the deductible."

The amendment was read and was adopted.

On motion of Senator Wallace and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### **SENATE BILL 376 ON THIRD READING**

Senator Wallace moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 376 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard, Creighton and Santiesteban.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### **COMMITTEE SUBSTITUTE SENATE BILL 721 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 721, A bill to be entitled An Act relating to regulation of coin-operated machines and the coin-operated machine industry, recreating and reconstituting the Texas Vending Commission and changing its name to the Texas Amusement Machine Commission; establishing an advisory committee; amending Chapter 587, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(41), Vernon's Texas Civil Statutes); amending Sections 2, 4, 12, 16, 19, and 24, Article 13.17, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended; providing a severability clause; and declaring an emergency.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend Section 2 of Committee Substitute for S.B. 721 by changing the quoted Section 8(b) to read as follows:

"(b) The advisory committee is composed of two (2) private citizens of this state who are wholesale distributors and who represent different manufacturers, one private citizen who is an operator of at least three hundred (300) coin-operated machines and who is not a distributor, two (2) private citizens who are operators of less than fifty (50) coin-operated machines and who are not distributors, and one private citizen who is an operator of not less than fifty (50) nor more than three hundred (300) coin-operated machines and who is not a distributor. The terms 'operator' and 'coin-operated machines' shall have the same meaning as they have in Chapter 13, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended. The term

'distributor' shall mean any person who buys wholesale and sells retail coin-operated machines regulated in Chapter 13, Title 122a, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended, and who is a representative or agent of a manufacturer of said coin-operated machines."

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 721  
ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 721 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard, Creighton and Santiesteban.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard, Creighton and Santiesteban.

**SENATE JOINT RESOLUTION 29  
ON SECOND READING**

Senator Traeger asked unanimous consent to suspend the regular order of business and take up S.J.R. 29 for consideration at this time.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up S.J.R. 29 for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 7.

Yeas: Adams, Braecklein, Brooks, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Moore, Ogg, Schwartz, Sherman, Snelson, Traeger and Wolff.

Nays: Aikin, Andujar, Clower, Mauzy, Mengden, Patman and Wallace.

Absent: Harris.

Absent-excused: Blanchard, Creighton and Santiesteban.

The President laid before the Senate on its second reading and passage to engrossment:

S.J.R. 29, Proposing an amendment to Article XI of the Constitution of the State of Texas by adding a new Section 5(a) to said Article XI, to authorize cities, towns, and villages to levy such ad valorem taxes as are sufficient to pay the principal of an interest on their general obligations hereafter lawfully issued; placing restrictions on the issuance of such general obligations; and providing for the submission of said constitutional amendment to a vote.

The resolution was read second time and was passed to engrossment.

### RECORD OF VOTES

Senators Aikin, Longoria, Andujar, Clower, Mauzy, Patman, Meier, Wallace and Mengden asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

### HOUSE BILL 292 RE-REFERRED

On motion of Senator Mauzy and by unanimous consent, H.B. 292 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Intergovernmental Relations.

### LEAVE OF ABSENCE

Senator Hightower was granted leave of absence for the remainder of today on account of important State business on motion of Senator Aikin.

### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, April 16, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 909, A bill to be entitled An Act prohibiting the private practice of law by the county attorney of Grayson County or his assistants; and declaring an emergency.

H.B. 1059, A bill to be entitled An Act relating to liens for those persons, firms or corporations who may labor, specially fabricate material, or furnish labor or material, for any construction or repair under circumstances where a lien may be legally created; defining the meaning of certain words and terms as used in Chapter 2 of Title 90, Revised Civil Statutes of Texas, 1925, as amended; authorizing or requiring retainage by the owner under certain circumstances and prescribing the amount of such retainage; amending Article 5452 and 5469, Revised Civil Statutes of Texas, 1925, as amended; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

H.B. 339, A bill to be entitled An Act relating to real estate loans,

loss reserves, annual reports, reorganization, merger and consolidation, and interest on savings accounts; amending Section 5.03, 7.02, 8.09, and 10.03 and adding Section 7.06, Texas Savings and Loan Act (Article 852a, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

### SENATE BILL 760 ON SECOND READING

Senator Ogg asked unanimous consent to suspend the regular order of business and take up S.B. 760 for consideration at this time.

There was objection.

Senator Ogg then moved to suspend the regular order of business and take up S.B. 760 for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 7.

Yeas: Adams, Andujar, Braecklein, Brooks, Gammage, Harrington, Harris, Herring, Jones, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Schwartz, Traeger, Wallace and Wolff.

Nays: Aikin, Clower, Mauzy, McKinnon, Patman, Sherman and Snelson.

Absent-excused: Blanchard, Creighton, Hightower and Santiesteban.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 760, A bill to be entitled An Act amending the provisions of Article 2.07, Sec. 7 of the Insurance Code of the State of Texas providing that certain insurance companies desiring to purchase either by tender offer or through negotiated private transaction issued and outstanding shares of their own capital stock may purchase said shares in accordance with the provisions of the Texas Business Corporation Act; etc.; and declaring an emergency.

The bill was read second time.

Senator Ogg offered the following Committee Amendment to the bill:

Amend S.B. 760 by adding the following at the end thereof:

"(c) No provision of this article shall be deemed to restrict or modify the provisions in the Insurance Code relative to transactions between an insurer and its affiliates, certain shareholders, directors and officers as defined and limited by Articles 1.29 and 21.49-1 of the Insurance Code as the same now exist or may be amended in the future.

"(d) An application for purchase of an insurer's own shares under the provisions of this article shall be deemed to be tantamount to an application for an extra ordinary dividend under the provisions of Article 21.49-1 of the Insurance Code and the application for such purchase shall be subject to and limited by the substantive requirements for approval of payment of an extra ordinary dividend under Article 21.49-1 of the Insurance Code as the same exists or may be amended in the future."

The Committee Amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 15, Nays 12.

Yeas: Adams, Andujar, Braecklein, Brooks, Gammage, Harris, Jones, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Traeger and Wallace.

Nays: Aikin, Clower, Harrington, Herring, Longoria, Mauzy, McKinnon, Patman, Schwartz, Sherman, Snelson and Wolff.

Absent-excused: Blanchard, Creighton, Hightower and Santiesteban.

#### **MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 866 ON SECOND READING**

Senator Herring asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 866 for consideration at this time.

There was objection.

Senator Herring then moved to suspend the regular order of business and take up C.S.S.B. 866 for consideration at this time.

The motion was lost by the following vote: Yeas 17, Nays 10.

Yeas: Andujar, Braecklein, Brooks, Harris, Herring, Jones, Kothmann, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Sherman, Traeger, Wallace and Wolff.

Nays: Adams, Aikin, Clower, Gammage, Harrington, Longoria, Mauzy, Patman, Schwartz and Snelson.

Absent-excused: Blanchard, Creighton, Hightower and Santiesteban.

#### **MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, April 16, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 799, A bill to be entitled An Act repealing Section 55 of Article I of the Texas Liquor Control Act, as amended (Article 666-55, Vernon's Texas Penal Code); amending Section 32 of Article I of the Texas Liquor Control Act, as amended (Article 666-32, Vernon's Texas Penal Code) to conform to enactment of four-year term for Governor; amending Section 33 of Article II of the Texas Liquor Control Act, as amended (Article 667-33) changing the due date for taxes on ale or malt liquor imported or brewed in this state; amending Section 16 of Article I of the Texas Liquor Control Act, as amended (Article 666-16, Vernon's Texas Penal Code) to exempt holders of local cartage and agents permits from the requirement of obtaining a bond; creating a Wine and Beer Retailer's Off-Premise Permit and defining the powers under such permit; allowing the issuance of a Wholesaler's Permit, General Class B Wholesaler's Permit, Local Class B Wholesaler's Permit and General, Local or Branch



Distributor's License in any area wherein the sale of any alcoholic beverage is legal; providing for severability and declaring an emergency.

Respectfully submitted,  
**DOROTHY HALLMAN**  
 Chief Clerk, House of Representatives

### HOUSE BILLS AND RESOLUTIONS OF FIRST READING

The following bills and resolutions received from the House, were read the first time and referred to the Committee indicated:

H.B. 339, To Committee on Economic Development.  
 H.B. 1059, To Committee on Jurisprudence.  
 H.B. 909, To Committee on Intergovernmental Relations.  
 H.B. 311, To Committee on Natural Resources.  
 H.B. 372, To Committee on Economic Development.  
 H.B. 79, To Committee on Economic Development.  
 H.B. 1231, To Committee on Intergovernmental Relations.  
 H.B. 1082, To Committee on State Affairs.  
 H.B. 777, To Committee on Economic Development.  
 H.B. 552, To Committee on Intergovernmental Relations.  
 H.B. 915, To Committee on Intergovernmental Relations.  
 H.B. 1107, To Committee on Intergovernmental Relations.  
 H.B. 1361, To Committee on Intergovernmental Relations.  
 H.B. 1578, To Committee on State Affairs.  
 H.B. 333, To Committee on Natural Resources.  
 H.B. 1420, To Committee on Education.  
 H.B. 1137, To Committee on Intergovernmental Relations.  
 H.B. 1070, To Committee on Intergovernmental Relations.  
 H.B. 1135, To Committee on Intergovernmental Relations.  
 H.B. 1481, To Committee on Intergovernmental Relations.  
 H.B. 299, To Committee on Economic Development.  
 H.B. 1358, To Committee on Education.  
 H.B. 1158, To Committee on Intergovernmental Relations.  
 H.B. 715, To Committee on Intergovernmental Relations.  
 H.B. 1232, To Committee on Intergovernmental Relations.  
 H.B. 805, To Committee on Natural Resources.  
 H.B. 637, To Committee on Jurisprudence.  
 H.B. 730, To Committee on State Affairs.  
 H.B. 770, To Committee on Education.  
 H.B. 771, To Committee on State Affairs.  
 H.B. 736, To Committee on Education.  
 H.B. 1558, To Committee on Intergovernmental Relations.  
 H.B. 403, To Committee on Jurisprudence.  
 H.C.R. 90, To Committee on Administration.  
 H.C.R. 143, To Committee on Administration.  
 H.B. 799, To Committee on Administration.  
 H.B. 1230, To Committee on State Affairs.

### NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Tuesday, April 17, 1973

C.S.S.B. 75 - Senator Mauzy  
 C.S.S.B. 109 - Senator Moore  
 S.B. 180 - Senator Hightower

C.S.S.B. 190 - Senator Snelson  
S.B. 227 - Senator Mauzy  
S.B. 340 - Senator Moore  
S.B. 363 - Senator Mauzy  
S.B. 638 - Senator Longoria  
C.S.S.B. 722 - Senator Brooks  
S.B. 760 - Senator Ogg  
S.B. 772 - Senator Ogg  
C.S.S.B. 815 - Senator Mauzy  
C.S.S.B. 866 - Senator Herring  
S.B. 875 - Senator Snelson  
C.S.S.J.R. 4 - Senator Herring  
S.J.R. 29 - Senator Traeger  
C.S.S.C.R. 73 - Senator Brooks  
S.C.R. 75 - Senator Schwartz  
S.C.R. 78 - Senator Snelson  
H.B. 370 - Senator Mauzy

#### **MEMORIAL RESOLUTIONS**

S.R. 569 - By Senator Adams: Memorial resolution for Alf Fullingim.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

S.R. 564 - By Senator Adams: Extending congratulations to Malakoff High School Tigerettes Girls' Volleyball Team.

S.R. 565 - By Senator Adams: Extending congratulations to Alto High School Girls' Volleyball Team.

S.R. 566 - By Senator Adams: Extending congratulations to Diboll High School Girls' Volleyball Team.

S.R. 567 - By Senator Adams: Extending congratulations to John Blair.

S.R. 568 - By Senator Adams: Extending congratulations to Stephen F. Austin State University.

S.R. 570 - By Senator McKnight: Extending welcome to Mandy Warner.

S.R. 572 - By Senator Mengden: Extending congratulations to Deer Park High School Basketball Team.

S.R. 574 - By Senator McKnight: Extending congratulations to Mr. and Mrs. Hubert Brazier.

S.R. 575 - By Senator Aikin: Extending welcome to June Parr.

S.R. 576 - By Senator Aikin: Extending welcome to Mrs. Gilberta Draper.

S.R. 577 - By Senator Harrington: Extending congratulations to Sam T. Ross.

S. R. 578 - By Senator Clower: Extending congratulations to Carol Rice, Terry Boland and Lori Popham.

**ADJOURNMENT**

On motion of Senator Aikin the Senate at 1:03 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**APPENDIX**

**Sent to Governor**

S.B. 67  
S.B. 193  
S.B. 195  
S.C.R. 71  
S.C.R. 82  
S.B. 386

**In Memory of  
Mrs. Marian Kazen**

Senator Herring offered the following resolution:

(Senate Resolution 573)

WHEREAS, On April 11, 1973, the State of Texas and Travis County lost a young a vigorous citizen in the death of Mrs. Marian Kazen, at the age of 27 years; and

WHEREAS, Marian Kazen was a beautiful and giving mother to her children; and

WHEREAS, Marian Kazen was a loving and caring daughter; and

WHEREAS, Marian Kazen was a loyal and dedicated friend to all who knew her; and

WHEREAS, Marian Kazen lived in Austin and studied art at The University of Texas; and

WHEREAS, She shared her knowledge and talent in the field of art with the students of Huston-Tillotson College; and

WHEREAS, Her contributions to her community will not be forgotten by those whose lives were touched by her; and

WHEREAS, It is the desire of the Senate of the State of Texas, 63rd Legislature, to honor the memory of Mrs. Marian Kazen and express its sympathy of her untimely death to her children, Christian and David Kazen of Austin, Texas; to her parents, Mr. and Mrs. Darrell Royal of Austin, Texas; to her brothers, Sammy Mack Royal and David Royal of Austin, Texas; to her grandparents, Mr. and Mrs. A. M. Thomason and Mr. and Mrs. B. R. Royal of Hollis, Oklahoma; and to Congressman and Mrs. Abraham Kazen of Washington, D.C.; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 63rd Legislature, by this resolution, pay tribute to this fine citizen, mother and daughter of the State of Texas; and, now be it further

RESOLVED, That copies of this resolution, under the Seal of the Senate, be prepared for each member of her family as a token of our appreciation for the life and contributions of Mrs. Marian Kazen.

**HERRING  
MAUZY**

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Herring, the resolution was adopted by a rising vote of the Senate.